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**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

MICKAIL MYLES, an individual,
Plaintiff,

v.

COUNTY OF SAN DIEGO, by and
through the SAN DIEGO COUNTY
SHERIFF'S DEPARTMENT,
a public entity; and
DEPUTY J. BANKS, an individual,
Defendants.

Case No. '15CV1985 BEN BLM

**COMPLAINT FOR DAMAGES,
INJUNCTIVE RELIEF AND JURY
DEMAND FOR:**

- 1) **ASSAULT;**
- 2) **BATTERY;**
- 3) **FALSE ARREST;**
- 4) **FALSE IMPRISONMENT;**
- 5) **VIOLATION OF STATUTE:
CIVIL CODE §§ 51.7; 52.1;**
- 6) **VIOLATION OF CIVIL
RIGHTS: 42 U.S.C. § 1983;**
- 7) **VIOLATION OF CIVIL
RIGHTS: 42 U.S.C. §§ 1985 (2)
and (3);**
- 8) **VIOLATION OF CIVIL
RIGHTS: 42 U.S.C. § 1986;**
- 9) **NEGLIGENCE; and,**
- 10) **INTENTIONAL INFLICTION
OF EMOTIONAL DISTRESS**

I. INTRODUCTION

1
2 1. On September 5, 2014, Plaintiff MICKAIL MYLES (hereinafter
3 “MYLES”) was unlawfully profiled, stopped, detained, hand-cuffed, assaulted,
4 battered, beaten, bitten, berated, defamed, falsely arrested, falsely imprisoned,
5 cited and threatened to be charged with crimes he did not commit, by armed,
6 uniformed, on-duty law enforcement officers, solely because he was a black man
7 driving his own car to his family home in a predominately white neighborhood in
8 Fallbrook, California.

9 2. At all times during the perpetuation of this abuse, Plaintiff’s
10 individual abusers were acting under color of law and authority and in the course
11 and scope of their employment, agency, and capacity as sworn law enforcement
12 officers screened, hired, trained, employed, acting on behalf of, and supervised
13 by the SAN DIEGO COUNTY SHERIFF’S DEPARTMENT, COUNTY OF
14 SAN DIEGO, and other Defendants.

15 3. To this day, despite not having been prosecuted with any criminal
16 conduct, Defendants have denied MYLES a copy of the police and arrest reports
17 regarding this incident, advising Plaintiff that charges against him may still be
18 filed, and that as a suspect yet to be formally charged, he is not entitled to the
19 reports. Thus, not only has MYLES been unlawfully denied the information
20 which would identify all law enforcement personnel and agencies that
21 unlawfully profiled, stopped, detained, hand-cuffed, assaulted, battered, beat, bit,
22 berated, defamed, falsely arrested, imprisoned, cited and threatened to charge
23 him with crimes he did not commit, the threat of a baseless prosecution against
24 him for crimes he did not commit is purposefully being hung over his head in an
25 effort to dissuade him from attempting to hold Defendants responsible for their
26 unlawful, unconstitutional, despicable, racist, bigoted and malicious behavior.
27 When MYLES finally learns, through discovery, the names of his additional
28 abusers, he reserves the right to amend this Complaint to name those abusers as

1 defendants in this civil rights action.

2 4. MYLES' civil rights action seeks compensatory and punitive
3 damages, as well as injunctive relief, against the individuals that physically and
4 psychologically abused him, as well as the superiors, supervisors, trainers, and
5 screeners who knew of the prior tendencies of Plaintiff's abusers toward bigoted
6 and violent behavior and yet covered for and continued to allow them to violate
7 the civil rights of vulnerable minority men and women they encountered during
8 the course and scope of their duties as sworn law enforcement officers employed
9 by the SAN DIEGO COUNTY SHERIFF'S DEPARTMENT, COUNTY OF
10 SAN DIEGO, and other Defendants.

11 5. In addition, MYLES seeks compensatory damages for civil rights
12 violations committed by the SAN DIEGO COUNTY SHERIFF'S
13 DEPARTMENT, COUNTY OF SAN DIEGO, and their employees, and other
14 law enforcement agencies, and their employees. MYLES also seeks injunctive
15 relief in the form of an independent monitor to oversee and reform the operations
16 of the SAN DIEGO COUNTY SHERIFF'S DEPARTMENT, COUNTY OF
17 SAN DIEGO, and other law enforcement agencies, which continue to create and
18 implement unwritten official policies, customs and practices that violate the civil
19 rights of minority citizens and cover-up the same and similar illegal and
20 unconstitutional practices of fellow law enforcement personnel.

21 **II. JURISDICTION AND VENUE**

22 6. Venue is proper in this judicial district per 28 U.S.C. § 1391(b)(1)
23 and (2) because one or more of the defendants resides in this judicial district, and
24 a substantial part of the events or omissions giving rise to the claim occurred in
25 this judicial district.

26 7. Jurisdiction is proper in this Court per 28 U.S.C. § 1331.

27 **III. PARTIES**

28 8. Plaintiff, MICKAIL MYLES, is an individual, and at all times

1 relevant to the matters alleged herein, was over the age of eighteen.

2 9. Plaintiff is informed and believes that Defendant COUNTY OF
3 SAN DIEGO, by and through the SAN DIEGO COUNTY SHERIFF'S
4 DEPARTMENT, is a public entity. Plaintiff has complied with all relevant and
5 applicable claims statutes.

6 10. Plaintiff is informed and believes that Defendant DEPUTY J.
7 BANKS is an individual residing in San Diego and at all times relevant was an
8 employee and agent of the SAN DIEGO COUNTY SHERIFF'S
9 DEPARTMENT, COUNTY OF SAN DIEGO, acting in the course and scope of
10 said agency and employment.

11 11. Plaintiff is informed and believes that there are other Defendants
12 which are entities or individuals who are in some manner legally responsible for
13 the wrongdoing alleged in this Complaint, and were a substantial factor in
14 causing Plaintiff's damages. Plaintiff does not know the true names of said
15 Defendants. Plaintiff reserves the right to amend this Complaint to add the
16 names, capacities and relationship of said unknown Defendants when they are
17 known.

18 **IV. GENERAL ALLEGATIONS**

19 12. A significant series of transactions or events that form the basis of
20 Plaintiff's claims as alleged herein occurred in or about the years when
21 Plaintiff's abusers were tested, screened, examined, evaluated and hired by the
22 SAN DIEGO COUNTY SHERIFF'S DEPARTMENT, COUNTY OF SAN
23 DIEGO, and other Defendants, individuals and entities, as sworn law
24 enforcement officers, with all of the powers, responsibilities and duties attendant
25 thereto. Unfortunately for Plaintiff and other unsuspecting victims of the illegal
26 and unconstitutional law enforcement practices of these officers, as more
27 specifically set forth below, Plaintiff is informed and believes and thereon
28 alleges that the SAN DIEGO COUNTY SHERIFF'S DEPARTMENT,

1 COUNTY OF SAN DIEGO, and other Defendants, individuals, and entities,
 2 failed to properly test, screen, examine or evaluate said officers prior to their
 3 hiring or during the course of their employment. As a consequence of that
 4 failure, the SAN DIEGO COUNTY SHERIFF'S DEPARTMENT, COUNTY
 5 OF SAN DIEGO, and other Defendants, individuals, and entities, failed to
 6 properly identify said officers for what they were – dangerous, racist, bigoted,
 7 abusive and violent predators. Plaintiff is informed and believes, and thereon
 8 alleges that had the SAN DIEGO COUNTY SHERIFF'S DEPARTMENT,
 9 COUNTY OF SAN DIEGO, and other Defendants, individuals, and entities,
 10 properly tested, screened, examined and evaluated said officers prior to their
 11 hiring or during the course of their employment, they never would have been
 12 hired or have been able to continue their employment, and therefore could not
 13 have committed the acts alleged herein. Furthermore, throughout the course of
 14 their employment, Plaintiff is informed and believes, and thereon alleges that the
 15 SAN DIEGO COUNTY SHERIFF'S DEPARTMENT, COUNTY OF SAN
 16 DIEGO, and other Defendants, individuals, and entities, failed to properly train,
 17 monitor, control, report, discipline, or otherwise supervise said officers, so as to
 18 prevent the illegal and unconstitutional law enforcement practices that resulted in
 19 injury to Plaintiff.

20 13. Plaintiff is informed and believes, and thereon alleges that there
 21 exists an additional series of significant transactions and events that form the
 22 basis of Plaintiff's claims as alleged herein, which was the establishment, usage,
 23 implementation, application, enforcement and promulgation, through cover-up,
 24 conspiracy, approval, encouragement, ratification, and other related conduct, of
 25 unwritten official policies, customs and practices by said officers, their peers,
 26 supervisors and superiors, and by the SAN DIEGO COUNTY SHERIFF'S
 27 DEPARTMENT, COUNTY OF SAN DIEGO, and other Defendants,
 28 individuals, and entities, which provided said officers with the feeling and belief

1 that their conduct, as illegal as it was, was not going to be punished and would
2 instead be protected as a privilege of their position as law enforcement officers.
3 While “Keeping the Peace” may have been the motto affixed to the COUNTY
4 OF SAN DIEGO’s patrol cars, Plaintiff is informed and believes and thereon
5 alleges that unwritten official policies, customs, and practices existed, and
6 continue to exist within the SAN DIEGO COUNTY SHERIFF’S
7 DEPARTMENT, COUNTY OF SAN DIEGO, which allowed said officers to
8 abuse, both physically and verbally, vulnerable minority members of the public,
9 including Plaintiff, if they so desired, as long as they took steps to avoid getting
10 caught. These unwritten official policies, customs, and practices allowed said
11 officers to feel entitled to repeatedly target, profile, stop, detain, harass, falsely
12 arrest, falsely imprison, assault, batter, abuse, defame and otherwise violate the
13 civil rights of minority citizens in the County of San Diego without fear of
14 reprisal by law enforcement peers, supervisors, and superiors, and by the SAN
15 DIEGO COUNTY SHERIFF’S DEPARTMENT, COUNTY OF SAN DIEGO,
16 and other Defendants, individuals, and entities. In accord with these unwritten
17 official policies, customs, and practices, said officers selected for their victims
18 men and women who were minorities and who because of their skin color said
19 officers believed were “out of place” in predominantly white neighborhoods. If
20 faced with a report of police misconduct, said officers felt immune from
21 professional or legal consequences, believing they could fall back on the racism
22 of fellow abusers, as well as the cover-up practices of law enforcement
23 colleagues, supervisors, the SAN DIEGO SHERIFF’S DEPARTMENT,
24 COUNTY OF SAN DIEGO, and other Defendants, individuals, and entities, who
25 strictly adhered to a “Code of Silence.”

26 14. Plaintiff is informed and believes, and thereon alleges that an
27 additional series of significant transactions and events that form the basis of
28 Plaintiff’s claims as alleged herein was the serial targeting, profiling, stopping,

1 detainment, harassment, false arrest, false imprisonment, assault, battery, abuse,
 2 defamation and other violations of the civil rights of minority citizens of the
 3 County of San Diego by said officers, which conduct was encouraged,
 4 authorized, and ratified by peers, supervisors and superiors, and by the SAN
 5 DIEGO COUNTY SHERIFF'S DEPARTMENT, COUNTY OF SAN DIEGO,
 6 and other Defendants, individuals, and entities. While patrolling the streets of
 7 San Diego in marked law enforcement cars and making use of their badges,
 8 uniforms, guns, mace, batons, handcuffs, trained attack dogs, and other tools of
 9 their trade, said officers targeted members of minority groups as their prey and
 10 perpetrated attacks upon them under color of law and authority during otherwise
 11 routine traffic stops. While many of the victims of said officers were too scared
 12 and intimidated to report these attacks, others did have the courage to report the
 13 attacks to peers, supervisors and superiors, and to the SAN DIEGO COUNTY
 14 SHERIFF'S DEPARTMENT, COUNTY OF SAN DIEGO, and other
 15 Defendants, individuals, and entities. Some of the attacks were corroborated by
 16 fellow law enforcement personnel and other witnesses. Not only did Defendants
 17 and others "look the other way" in the face of said officers' violent and abusive
 18 acts and propensities, as well as "turn a deaf ear" to pleas for help from victims
 19 and to corroborating reports by fellow law enforcement personnel, Defendants
 20 and others encouraged, authorized and ratified these attacks by the acts more
 21 specifically set forth herein.

22 15. Plaintiff is informed and believes, and thereon alleges that
 23 additional significant transactions and events that form the basis of Plaintiff's
 24 claims as alleged herein were Defendants' actions and inactions that constitute
 25 the illegal cover-up of police misconduct by said officers. Knowing said
 26 officers' violent and abusive propensities and predatory habits while on duty
 27 with regard to vulnerable minority members of the public, not only did
 28 Defendants fail to control, report, punish or terminate said officers, but Plaintiff

1 is informed and believes, and thereon alleges, that Defendants conspired to and
2 did, in fact, purposefully and systematically cover-up or encourage the covering-
3 up of said misconduct. Such acts of cover-up encompass the suppression of
4 evidence, and the use of intimidation, retaliation, coercion, undue influence,
5 trickery, in an attempt to dissuade victims, law enforcement, and other witnesses
6 from coming forward with their stories, observations and testimony, and to avoid
7 the reporting of said complaints, so that proper, complete and factually based
8 investigations, prosecutions and punishments could not be effectuated against
9 said officers.

10 16. Plaintiff is informed and believes and thereon alleges that
11 Defendants failed to comply with written policies, guidelines and procedures
12 regarding reporting of citizen complaints and regarding punishment and
13 discipline for officer misconduct. Said written policies, guidelines and
14 procedures were mere “paper tigers” which were promulgated and which exist
15 only as window dressing to give Defendants “cover” and “plausible deniability,”
16 and which were regularly ignored in favor of the herein described unwritten
17 policies, procedures and practices.

18 17. Plaintiff is informed and believes, and thereon alleges that
19 additional significant transactions or events that form the basis for Plaintiff’s
20 claims as alleged herein are the brutal physical and psychological attacks
21 perpetrated on Plaintiff by individual officers who were acting under color of law
22 and authority and in the course and scope of their employment, agency, and
23 capacity as sworn law enforcement officers screened, hired, trained, employed
24 and supervised by the SAN DIEGO COUNTY SHERIFF’S DEPARTMENT,
25 COUNTY OF SAN DIEGO, and other Defendants, individuals, and entities. On
26 September 5, 2014, MYLES was at home in a predominantly white suburb of
27 San Diego County known as Fallbrook. While studying for his college exams,
28 he received a call from his younger brother to pick him up from an evening of

1 roller-skating at a local indoor roller-rink. MYLES got into his vehicle, a white
2 2004 Mitsubishi Eclipse, and drove without incident to get his brother. On their
3 way home, MYLES and his brother noticed flashing lights only a block or so
4 from their home. Shortly thereafter, MYLES noticed that a police car was
5 behind him with its emergency lights activated. Understanding his obligation to
6 yield to an emergency police vehicle, MYLES pulled his car to the right curb
7 without delay and peaceably waited for an officer to approach his driver-side
8 window with instructions. When no officer approached, MYLES rolled down
9 his driver-side window. Upon doing so, MYLES could hear a cacophony of
10 voices coming from the area behind his vehicle screaming at him and making
11 numerous confusing and inconsistent demands of him. MYLES could also hear
12 the barking, growling and snarling of at least one police dog. Confused, scared
13 and unsure of what to do next, MYLES attempted to comply with the officers'
14 commands by opening his driver-side door and exiting his vehicle. MYLES
15 attempted to fully comply with further confusing and inconsistent demands of
16 him, by raising his hands above his head, facing away from the officers, and
17 walking backward toward the armed officers as he was ordered to do, whereafter
18 he was hand-cuffed. During these events, MYLES' younger brother, who was
19 in the front passenger seat, began to record what was going on. As he was
20 recording, the camera depicts a frightened and confused MYLES begging his
21 younger brother to "call dad" who was only several blocks away at their family
22 home.

23 18. Despite the fact that MYLES was, at all times, hand-cuffed,
24 unarmed, passive and completely non-threatening toward the officers, and was
25 attempting to comply with all of the confusing and inconsistent demands being
26 made of him, said officers nevertheless unleashed a torrent of physical violence
27 upon their confused and fearful victim by beating him about the head with a club
28 of an unknown type, as well as commanding their attack dog to attack him. As a

1 result of said officers' unlawful and unconstitutional actions and failures to act,
2 MYLES was savagely attacked, leaving him bruised, scarred, bleeding, dazed
3 and in pain after being hit and bitten. After this attack, said officers continued to
4 unlawfully detain MYLES, falsely imprisoned, falsely arrested and falsely cited
5 him, before finally releasing him on September 6, 2014.

6 19. Once released, MYLES sought to obtain copies of the
7 arrest/incident reports to gain an understanding as to why he had been detained,
8 arrested, beaten and abused, and to learn the names of the officers and others
9 who were responsible. However, he was advised that because charges against
10 him had yet to be filed, and because he was still a suspect in an on-going
11 criminal investigation through which he could still be charged with one or more
12 crimes, he could not have a copy of any of the reports concerning the incident or
13 investigation thereof.

14 20. As set forth above, at all times relevant herein, Defendant
15 COUNTY OF SAN DIEGO, by and through the SAN DIEGO COUNTY
16 SHERIFF'S DEPARTMENT, its officers, detectives, supervisors and high
17 ranking officials with the authority and ability to set and enforce SAN DIEGO
18 COUNTY SHERIFF'S DEPARTMENT policy and procedure, and other
19 Defendants, individuals, and entities, so empowered, created and implemented
20 unwritten official policies, customs, and practices that permitted and encouraged
21 its agents, employees, and co-conspirators to deny Plaintiff and other minority
22 members of the general public their rights to equal protection under the law and
23 to due process of law, their right to be free from unreasonable searches and
24 seizures, and other rights guaranteed under the United States and California
25 Constitutions, as well as statutory and common law rights as more specifically
26 set forth herein.

27 21. At all times relevant herein said officers acted under the color of
28 law and authority and exercised their police powers, including but not limited to,

1 making use of their badges, uniforms, vehicles, emergency lights, radios, guns,
2 mace, batons, handcuffs, trained attack dogs, and all of the actual and perceived
3 authority that said tools of the trade imply, to carry out the unlawful acts alleged
4 herein.

5 22. Plaintiff is informed and believes, and thereon alleges that said
6 officers singled out Plaintiff and other wrongfully detained and unlawfully
7 abused minority victims for discrimination and harassment because they are
8 minorities. Said officers unlawfully targeted, profiled, stopped, detained,
9 harassed, hand-cuffed, assaulted, battered, beat, bit, berated, defamed and falsely
10 arrested, imprisoned and threatened to charge Plaintiff with crimes he did not
11 commit in violation of the California and U.S. Constitutions, as well as both state
12 and federal law.

13 23. The actions and inactions of said officers were an offense to
14 Plaintiff's personal dignity and caused Plaintiff and the other similarly situated
15 victims to suffer physical injuries, severe humiliation, outrage, anxiety, fear,
16 mental anguish and emotional distress.

17 24. Plaintiff is informed and believes that the actions and inaction of
18 said officers, including the unlawful targeting, profiling, stopping, detaining,
19 hand-cuffing, assaulting, battering, beating, biting, berating, defaming, falsely
20 arresting, imprisoning, and threatening to charge Plaintiff with crimes he did not
21 commit, and other deprivation of civil rights, including the cover-up of said
22 actions, were motivated by Plaintiff's race and color and the race and color of
23 those other wrongfully detained and abused minorities.

24 25. Plaintiff is informed and believes, and thereon alleges that by their
25 conduct, said officers intended to deprive Plaintiff and other victims of their
26 constitutionally protected civil rights to live and work within the County of San
27 Diego without being singled out because of their race or color and subjected
28 Plaintiff to unlawful and unconstitutional misconduct, including targeting,

1 profiling, stopping, detaining, hand-cuffing, assaulting, battering, beating, biting,
2 berating, defaming, falsely arresting and imprisoning, citing and threatening to
3 charge Plaintiff with crimes he did not commit, and other deprivation of civil
4 rights, including the cover-up of said actions.

5 26. Plaintiff is informed and believes, and thereon alleges that the
6 actions of said officers against him as described in this Complaint are not the
7 first time that said officers engaged in this type of conduct as on-duty, uniformed
8 law enforcement officers with the SAN DIEGO COUNTY SHERIFF'S
9 DEPARTMENT, COUNTY OF SAN DIEGO, and elsewhere, and further
10 believes that said officers were not the only sworn officers participating in said
11 conduct. As set forth herein, Plaintiff is informed and believes and thereon
12 alleges that said officers, their co-defendants and others had, on occasions prior
13 to the attack on Plaintiff, engaged in the same or similar conduct with respect to
14 other minority members of the general public while said officers were on-duty,
15 uniformed law enforcement officers with the SAN DIEGO COUNTY
16 SHERIFF'S DEPARTMENT, COUNTY OF SAN DIEGO, and elsewhere, and
17 while under the supervision of and with the knowledge, consent, approval,
18 encouragement, acceptance, and ratification of their superiors and supervisors
19 and other Defendants, individuals, and entities.

20 27. Plaintiff is informed and believes, and thereon alleges that, prior to
21 said officers' unlawfully targeting, profiling, stopping, detaining, hand-cuffing,
22 assaulting, battering, beating, biting, berating, defaming and falsely arresting,
23 imprisoning and threatening to charge Plaintiff with crimes he did not commit
24 and other deprivation of civil rights, including the cover-up of said actions,
25 Defendant COUNTY OF SAN DIEGO, through said officers' superiors and
26 supervisors, was made aware of said officers' prior similar acts, proclivities,
27 propensities and willingness to engage in the same or similar acts while
28 uniformed, on-duty law enforcement officers for the SAN DIEGO COUNTY

1 SHERIFF'S DEPARTMENT, COUNTY OF SAN DIEGO, and elsewhere, and
2 thus knew, or with reasonable diligence should have known, that said officers
3 were racist, bigoted, violent, aggressive and otherwise dangerous and would
4 likely abuse, beat, attack, harass and otherwise violate the constitutional rights of
5 Plaintiff and other minority members of the San Diego County community.

6 28. Unfortunately for Plaintiff and other minority victims, Defendants
7 failed to take any or adequate steps to prevent, mitigate or otherwise avoid the
8 obvious danger said officers posed to Plaintiff and other minority members of the
9 general public who all justifiably relied on Defendants, and each of them, to
10 adequately screen, hire, train, supervise, report, discipline, monitor, control,
11 prosecute and terminate, if necessary, said officers as sworn peace officers. In
12 fact, Defendants' conduct in condoning, approving, ratifying, consenting to,
13 encouraging, accepting, refusing to stop, failing to prevent, failing to train,
14 covering up, failing to report, failing to document, fraudulently mis-
15 characterizing citizen and co-worker complaints, refusing to document and
16 accept citizen complaints, failing to follow written policies, procedures and
17 guidelines regarding reporting and accepting citizen complaints and discipline
18 and punishment, and remaining silent in the face of such conduct, created an
19 atmosphere and culture of acceptance of said officers' and other personnel's
20 pattern and practice of conduct that constituted a "Code of Silence," and which
21 amounted to unwritten official policies, customs, and practices that provided said
22 officers and other personnel with the feeling, assurance and belief that their
23 conduct, illegal as it was, was not going to be punished and would instead be
24 protected as a privilege that went along with their badge, gun, and other
25 accoutrement of power. Defendants knew, or it should have been obvious to
26 Defendants, that these unwritten official policies, customs, and practices were
27 likely to result in a deprivation of Plaintiff's rights to equal protection under the
28 law, to due process of law, his right to be free from unreasonable searches and

1 seizures, and other rights guaranteed under the United States and California
2 Constitutions, as well as statutory and common law rights as more specifically
3 set forth herein.

4 29. In doing the things herein alleged, Defendants, and each of them,
5 engaged in a pattern and/or practice of discriminatory policing in violation of the
6 Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141;
7 the anti-discrimination provisions of the Omnibus Crime Control and Safe
8 Streets Act of 1968, 42 U.S.C. § 3789d; as well as violations of the Civil Rights
9 provisions of 42 U.S.C. §§ 1983, 1985 and 1986 and California Civil Code §§
10 51, 51.7, 52, and 52.1.

11 30. As a consequence of Defendants' conduct as set forth above,
12 Plaintiff lives in constant, abiding and continuing fear for his safety and
13 wellbeing each and every day, as Plaintiff daily uses the public streets, highways
14 and other public areas of the County of San Diego where he remains vulnerable
15 to repeated acts of racial targeting and profiling, retaliation, violence, molest,
16 threats, intimidation and other violations of his civil rights by armed law
17 enforcement personnel who are prejudiced against him because of the color of
18 his skin. Specifically, Plaintiff has a constant, continuing and abiding fear that
19 because of the systematic cover-up of said officers' conduct, he remains
20 vulnerable to the same and similar conduct by Defendants, as well as other sworn
21 law enforcement officers who routinely practice racially biased and excessively
22 violent policing practices against minority citizens. That fear may only
23 reasonably be mitigated, ameliorated or lessened by the issuance of a permanent
24 injunction, pursuant to Fed. R. Civ. P. § 65, prohibiting the acts and conduct set
25 forth above and the installation and appointment of appropriate and independent
26 oversight of the SAN DIEGO COUNTY SHERIFF'S DEPARTMENT and the
27 institution and enforcement of appropriate and additional rules, regulations and
28 measures by the COUNTY OF SAN DIEGO to prevent this kind of conduct

1 from ever happening again, with the appropriate funding to effectuate same.
 2 Such relief is justified insofar as Plaintiff will, without such relief, suffer great
 3 and irreparable harm and injury; a balance of the hardships favors Plaintiff under
 4 the circumstances; and, such relief advances the public interest by protecting the
 5 safety and well-being of other minority citizens similarly situated.

6 **V. FIRST CAUSE OF ACTION**
 7 **(ASSAULT – Against All Defendants)**

8 31. Plaintiff incorporates herein paragraphs 1 through 30, above.

9 32. Defendants threatened to touch Plaintiff in a harmful or offensive
 10 manner.

11 33. It reasonably appeared to Plaintiff that Defendants were about to
 12 carry out the threat.

13 34. Defendants acted intending to cause harmful or offensive contact
 14 with Plaintiff.

15 35. Plaintiff did not consent to Defendants' threatened harmful or
 16 offensive conduct.

17 36. Plaintiff was harmed when Defendants caused him imminent fear of
 18 a harmful or offensive contact with his head, torso and other parts of Plaintiff's
 19 body.

20 37. In so doing, and as alleged herein, Defendants acted under color of
 21 law and authority, within the course and scope of employment, agency, and in
 22 conspiracy with each other, and pursuant to the established unwritten official
 23 policy, custom, and practice of the SAN DIEGO COUNTY SHERIFF'S
 24 DEPARTMENT, COUNTY OF SAN DIEGO, and other Defendants, and as also
 25 alleged herein, the conduct of Defendants was consented to, ratified, approved,
 26 concealed, covered up, condoned, accepted, and/or encouraged by each other, for
 27 their own benefit and gain, knowing that the conduct would result in harm to
 28 Plaintiff and other minority members of the general public similarly situated.

1 38. Plaintiff was harmed and Defendants' conduct was a direct,
 2 proximate, and substantial factor in causing Plaintiff harm. If not for the failures
 3 and misconduct of Defendants, as alleged in this Complaint, Plaintiff would not
 4 have suffered physical harm, serious and severe emotional distress, anxiety,
 5 depression, humiliation, shame, loss of sleep, fear and rage all to his general
 6 damage, in an amount to be proven at the time of trial, but not less than
 7 \$100,000.

8 39. In committing the acts as alleged herein, all individual Defendants,
 9 and each of them, acted with the intent to harm Plaintiff or with a conscious
 10 disregard for Plaintiff's rights and thus acted with malice, fraud or oppression as
 11 defined in California Civil Code section 3294, entitling Plaintiff to an award of
 12 punitive damages in an amount to be proven at the time of trial.

13 **VI. SECOND CAUSE OF ACTION**

14 **(BATTERY - Against All Defendants)**

15 40. Plaintiff incorporates herein paragraphs 1 through 39, above.

16 41. Defendants did, in fact, touch Plaintiff in a harmful or offensive
 17 manner.

18 42. Plaintiff did not consent to Defendants' harmful or offensive
 19 conduct.

20 43. In so doing, and as alleged herein, Defendants acted under color of
 21 law and authority, within the course and scope of employment, agency, and in
 22 conspiracy with each other, and pursuant to the established unwritten official
 23 policy, custom, and practice of the SAN DIEGO COUNTY SHERIFF'S
 24 DEPARTMENT, COUNTY OF SAN DIEGO, and other Defendants, and as also
 25 alleged herein, the conduct of Defendants was consented to, ratified, approved,
 26 concealed, covered up, condoned, accepted, and/or encouraged by each other, for
 27 their own benefit and gain, knowing that the conduct would result in harm to
 28 Plaintiff and other minority members of the general public similarly situated.

1 44. Plaintiff was harmed and Defendants' conduct was a direct,
 2 proximate, and substantial factor in causing Plaintiff harm. If not for the failures
 3 and misconduct of Defendants, as alleged in this Complaint, Plaintiff would not
 4 have suffered physical harm, serious and severe emotional distress, anxiety,
 5 depression, humiliation, shame, loss of sleep, fear and rage all to his general
 6 damage, in an amount to be proven at the time of trial, but not less than
 7 \$100,000.

8 45. In committing the acts as alleged herein, all individual Defendants,
 9 and each of them, acted with the intent to harm Plaintiff or with a conscious
 10 disregard for Plaintiff's rights and thus acted with malice, fraud or oppression as
 11 defined in California Civil Code section 3294, entitling Plaintiff to an award of
 12 punitive damages in an amount to be proven at the time of trial.

13 **VII. THIRD CAUSE OF ACTION**

14 **(FALSE ARREST - Against All Defendants)**

15 46. Plaintiff incorporates herein paragraphs 1 through 45, above.

16 47. Plaintiff was wrongfully arrested by Defendants without a warrant
 17 and without probable cause.

18 48. In so doing, and as alleged herein, Defendants acted under color of
 19 law and authority, within the course and scope of employment, agency, and in
 20 conspiracy with each other, and pursuant to the established unwritten official
 21 policy, custom, and practice of the SAN DIEGO COUNTY SHERIFF'S
 22 DEPARTMENT and other Defendants, and as also alleged herein, the conduct of
 23 Defendants was consented to, ratified, approved, concealed, covered up,
 24 condoned, accepted, and/or encouraged by each other, for their own benefit and
 25 gain, knowing that the conduct would result in harm to Plaintiff and other
 26 minority members of the general public similarly situated.

27 49. Plaintiff was harmed and Defendants' conduct was a direct,
 28 proximate, and substantial factor in causing Plaintiff harm. If not for the failures

1 and misconduct of Defendants, as alleged in this Complaint, Plaintiff would not
 2 have suffered physical harm, serious and severe emotional distress, anxiety,
 3 depression, humiliation, shame, loss of sleep, fear and rage all to his general
 4 damage, in an amount to be proven at the time of trial, but not less than
 5 \$100,000.

6 50. In committing the acts as alleged herein, all individual Defendants,
 7 and each of them, acted with the intent to harm Plaintiff or with a conscious
 8 disregard for Plaintiff's rights and thus acted with malice, fraud or oppression as
 9 defined in California Civil Code section 3294, entitling Plaintiff to an award of
 10 punitive damages in an amount to be proven at the time of trial.

11 **VIII. FOURTH CAUSE OF ACTION**

12 **(FALSE IMPRISONMENT - Against All Defendants)**

13 51. Plaintiff incorporates herein paragraphs 1 through 50, above.

14 52. Defendants wrongfully detained Plaintiff, intentionally depriving
 15 Plaintiff of his freedom of movement by use of physical barriers, threats of force,
 16 use of force and false imprisonment, coercion and duress.

17 53. In so doing, and as alleged herein, Defendants acted under color of
 18 law and authority, within the course and scope of employment, agency, and in
 19 conspiracy with each other, and pursuant to the established unwritten official
 20 policy, custom, and practice of the SAN DIEGO COUNTY SHERIFF'S
 21 DEPARTMENT and other Defendants, and as also alleged herein, the conduct of
 22 Defendants was consented to, ratified, approved, concealed, covered up,
 23 condoned, accepted, and/or encouraged by each other, for their own benefit and
 24 gain, knowing that the conduct would result in harm to Plaintiff and other
 25 minority members of the general public similarly situated.

26 54. Plaintiff was harmed and Defendants' conduct was a direct,
 27 proximate, and substantial factor in causing Plaintiff harm. If not for the failures
 28 and misconduct of Defendants, as alleged in this Complaint, Plaintiff would not

1 have suffered physical harm, serious and severe emotional distress, anxiety,
 2 depression, humiliation, shame, loss of sleep, fear and rage all to his general
 3 damage, in an amount to be proven at the time of trial, but not less than
 4 \$100,000.

5 55. In committing the acts as alleged herein, all individual Defendants,
 6 and each of them, acted with the intent to harm Plaintiff or with a conscious
 7 disregard for Plaintiff's rights and thus acted with malice, fraud or oppression as
 8 defined in California Civil Code section 3294, entitling Plaintiff to an award of
 9 punitive damages in an amount to be proven at the time of trial.

10 **IX. FIFTH CAUSE OF ACTION**

11 **(VIOLATION OF STATUTE: CIVIL CODE §§ 51.7; 52.1 –**

12 **Against All Defendants)**

13 56. Plaintiff incorporates herein paragraphs 1 through 55, above.

14 57. Defendants intentionally threatened and committed violence against
 15 Plaintiff.

16 58. A reasonable person in Plaintiff's position would have believed that
 17 Defendants would carry out their threat, and Plaintiff in fact believed that
 18 Defendants would carry out their threat.

19 59. By intimidation, threats and violence, Defendants interfered with, or
 20 attempted to interfere with, Plaintiff's right to be free of physical restraints,
 21 within the County of San Diego, and his right to be free of unwanted assault,
 22 harassment, molestation and battery.

23 60. Plaintiff reasonably believed that if he tried to exercise his right to
 24 be free of physical restraints, avoid being assaulted, harassed, molested and
 25 battered, Defendants would commit additional and more severe acts of violence
 26 against him.

27 61. Defendants harmed Plaintiff in order to interfere with his right to be
 28 free from physical restraints and unwanted assault, molestation and battery.

1 62. In so doing, and as alleged herein, Defendants acted under color of
2 law and authority, within the course and scope of employment, agency, and in
3 conspiracy with each other, and pursuant to the established unwritten official
4 policy, custom, and practice of the SAN DIEGO COUNTY SHERIFF'S
5 DEPARTMENT and other Defendants, and as also alleged herein, the conduct of
6 Defendants was consented to, ratified, approved, concealed, covered up,
7 condoned, accepted, and/or encouraged by each other, for their own benefit and
8 gain, knowing that the conduct would result in harm to Plaintiff and other
9 minority members of the general public similarly situated.

10 63. Plaintiff was harmed and Defendants' conduct was a direct,
11 proximate, and substantial factor in causing Plaintiff harm. If not for the failures
12 and misconduct of Defendants, as alleged in this Complaint, Plaintiff would not
13 have suffered physical harm, serious and severe emotional distress, anxiety,
14 depression, humiliation, shame, loss of sleep, fear and rage all to his general
15 damage, in an amount to be proven at the time of trial, but not less than
16 \$100,000.

17 64. A motivating reason for Defendants threatening violence was their
18 perception of Plaintiff's race and color as a member of a minority group.

19 65. In committing the acts as alleged herein, all individual Defendants,
20 and each of them, acted with the intent to harm Plaintiff or with a conscious
21 disregard for Plaintiff's rights and thus acted with malice, fraud or oppression as
22 defined in California Civil Code section 3294, entitling Plaintiff to an award of
23 punitive damages in an amount to be proven at the time of trial.

24 66. As a direct and proximate result of Defendants' conduct, Plaintiff
25 was required to retain the services of legal counsel to prosecute this case.
26 Plaintiff has reasonably and necessarily incurred legal fees, and Plaintiff is
27 informed and believes that he will reasonably and necessarily incur further legal
28 fees in the future, all in an amount to be proven at trial, but not less than

1 \$100,000.

2 **X. SIXTH CAUSE OF ACTION**
 3 **(VIOLATION OF CIVIL RIGHTS: 42 U.S.C. § 1983 –**
 4 **Against All Defendants)**

5 67. Plaintiff incorporates herein paragraphs 1 through 66, above.

6 68. Defendants intentionally interfered with Plaintiff's civil rights by
 7 intimidation, coercion, violence, threats of violence and unlawful acts against his
 8 person when they wrongfully and unlawfully arrested and imprisoned him
 9 without a warrant or probable cause and then assaulted, harassed, molested and
 10 battered him.

11 69. In so doing, and as alleged herein, Defendants acted under color of
 12 law and authority, within the course and scope of employment, agency, and in
 13 conspiracy with each other, and pursuant to the established unwritten official
 14 policy, custom, and practice of the SAN DIEGO COUNTY SHERIFF'S
 15 DEPARTMENT and other Defendants, and as also alleged herein, the conduct of
 16 Defendants was consented to, ratified, approved, concealed, covered up,
 17 condoned, accepted, and/or encouraged by each other, for their own benefit and
 18 gain, knowing that the conduct would result in harm to Plaintiff and other
 19 minority members of the general public similarly situated.

20 70. Defendants' conduct deprived Plaintiff of his rights to equal
 21 protection under the law and to due process of law, his right to be free from
 22 unreasonable search and seizure, excessive and unwarranted force and other
 23 rights guaranteed under the United States and California Constitutions, as well as
 24 statutory and common law rights as more specifically set forth herein.

25 71. Plaintiff was harmed and Defendants' conduct was a direct,
 26 proximate, and substantial factor in causing Plaintiff harm. If not for the failures
 27 and misconduct of Defendants, as alleged in this Complaint, Plaintiff would not
 28 have suffered physical harm, serious and severe emotional distress, anxiety,

1 depression, humiliation, shame, loss of sleep, fear and rage all to his general
 2 damage, in an amount to be proven at the time of trial, but not less than
 3 \$100,000.

4 72. As a direct and proximate result of Defendants' conduct, Plaintiff
 5 was required to retain the services of legal counsel to prosecute this case.
 6 Plaintiff has reasonably and necessarily incurred legal fees, and Plaintiff is
 7 informed and believes that he will reasonably and necessarily incur further legal
 8 fees in the future, all in an amount to be proven at trial, but not less than
 9 \$100,000.

10 73. In committing the acts as alleged herein, all individual Defendants
 11 acted with the intent to harm Plaintiff or with a conscious disregard for
 12 Plaintiff's rights and thus acted with malice, fraud or oppression as defined in
 13 California Civil Code section 3294, entitling Plaintiff to an award of punitive
 14 damages in an amount to be proven at the time of trial.

XI. SEVENTH CAUSE OF ACTION

16 **(VIOLATION OF CIVIL RIGHTS: 42 U.S.C. § 1985(2) and (3) –**

17 **Against All Defendants)**

18 74. Plaintiff incorporates herein paragraphs 1 through 73, above.

19 75. Defendants, and each of them, as more specifically set forth above,
 20 engaged in the obstruction of justice, conspired to obstruct justice, and conspired
 21 to effectuate the deprivation of Plaintiff's rights under the Fourth, Fifth, Sixth
 22 and 14th Amendments of the U.S. Constitution, as well as the corresponding
 23 sections of the California Constitution.

24 76. In so doing, and as alleged herein, Defendants acted under color of
 25 law and authority, within the course and scope of employment, agency, and in
 26 conspiracy with each other, and pursuant to the established unwritten official
 27 policies, customs, and practices of the SAN DIEGO COUNTY SHERIFF'S
 28 DEPARTMENT and other Defendants, and as also alleged herein, the conduct of

1 Defendants was consented to, ratified, approved, concealed, covered up,
2 condoned, accepted, and/or encouraged by each other, for their own benefit and
3 gain, knowing that the conduct would result in harm to Plaintiff and other
4 minority members of the general public similarly situated.

5 77. Defendants' conduct deprived Plaintiff of his rights to equal
6 protection under the law and to due process of law, his right to be free from
7 unreasonable search and seizure, excessive and unwarranted force and other
8 rights guaranteed under the United States and California Constitutions, as well as
9 statutory and common law rights as more specifically set forth herein.

10 78. Plaintiff was harmed and Defendants' conduct was a direct,
11 proximate, and substantial factor in causing Plaintiff harm. If not for the failures
12 and misconduct of Defendants, as alleged in this Complaint, Plaintiff would not
13 have suffered physical harm, serious and severe emotional distress, anxiety,
14 depression, humiliation, shame, loss of sleep, fear and rage all to his general
15 damage in an amount to be proven at the time of trial, but not less than \$100,000.

16 79. As a direct and proximate result of Defendants' conduct, Plaintiff
17 was required to retain the services of legal counsel to prosecute this case.
18 Plaintiff has reasonably and necessarily incurred legal fees, and Plaintiff is
19 informed and believes that he will reasonably and necessarily incur further legal
20 fees in the future, all in an amount to be proven at trial, but not less than
21 \$100,000.

22 80. In committing the acts as alleged herein, all individual Defendants
23 acted with the intent to harm Plaintiff or with a conscious disregard for
24 Plaintiff's rights and thus acted with malice, fraud or oppression as defined in
25 California Civil Code section 3294, entitling Plaintiff to an award of punitive
26 damages in an amount to be proven at the time of trial.

27 / / /

28 / / /

XII. EIGHTH CAUSE OF ACTION

(VIOLATION OF CIVIL RIGHTS: 42 U.S.C. § 1986 –

Against All Defendants)

81. Plaintiff incorporates herein paragraphs 1 through 80, above.

82. Defendants, and each of them, having the power to prevent or to aid in preventing the commission of the acts more specifically set forth above, and having neglected and refused to take such means available and necessary to so prevent or aid in preventing said acts, have violated the specific provisions of 42 U.S.C. § 1986.

83. In so doing, and as alleged herein, Defendants acted under color of law and authority, within the course and scope of employment, agency, and in conspiracy with each other, and pursuant to the established unwritten official policies, customs, and practices of the SAN DIEGO COUNTY SHERIFF'S DEPARTMENT and other Defendants, and as also alleged herein, the conduct of Defendants was consented to, ratified, approved, concealed, covered up, condoned, accepted, and/or encouraged by each other, for their own benefit and gain, knowing that the conduct would result in harm to Plaintiff and other minority members of the general public similarly situated.

84. Defendants' conduct deprived Plaintiff of his rights to equal protection under the law and to due process of law, his right to be free from unreasonable search and seizure, excessive and unwarranted force and other rights guaranteed under the United States and California Constitutions, as well as statutory and common law rights as more specifically set forth herein.

85. Plaintiff was harmed and Defendants' conduct was a direct, proximate, and substantial factor in causing Plaintiff harm. If not for the failures and misconduct of Defendants, as alleged in this Complaint, Plaintiff would not have suffered physical harm, serious and severe emotional distress, anxiety, depression, humiliation, shame, loss of sleep, fear and rage all to his general

1 damage, in an amount to be proven at the time of trial, but not less than
2 \$100,000.

3 86. As a direct and proximate result of Defendants' conduct, Plaintiff
4 was required to retain the services of legal counsel to prosecute this case.
5 Plaintiff has reasonably and necessarily incurred legal fees, and Plaintiff is
6 informed and believes that he will reasonably and necessarily incur further legal
7 fees in the future, all in an amount to be proven at trial, but not less than
8 \$100,000.

9 87. In committing the acts as alleged herein, all individual Defendants
10 acted with the intent to harm Plaintiff or with a conscious disregard for
11 Plaintiff's rights and thus acted with malice, fraud or oppression as defined in
12 California Civil Code section 3294, entitling Plaintiff to an award of punitive
13 damages in an amount to be proven at the time of trial.

14 **XIII. NINTH CAUSE OF ACTION**

15 **(NEGLIGENCE – Against All Defendants)**

16 88. Plaintiff incorporates herein paragraphs 1 through 30, 59, 60, 77, 82,
17 and 84, above.

18 89. Defendants had a duty to Plaintiff and the general public to refrain
19 from the use and implementation of the use of excessive force, to take the time to
20 reasonably and properly assess the level of danger presented to them, to avoid
21 the use of improper criteria for the stop, detention, arrest, questioning, charging
22 and otherwise interfering with the liberty and other civil rights afforded to
23 Plaintiff and other members of the general public, to properly screen, hire, train,
24 retain, supervise, report, discipline, monitor, control, terminate and prosecute
25 (when justified) its law enforcement officers, including the individual
26 Defendants herein, given the foreseeability of harm to the Plaintiff and other
27 minority members of the general public similarly situated, the degree of certainty
28 that Plaintiff suffered injury, the closeness of the connection between the

1 Defendants' conduct and the injury suffered, the moral blame attached to the
2 Defendants' conduct, the policy of preventing future harm to Plaintiff and other
3 minority members of the general public, the limited burden on Defendants, the
4 consequences to the community of imposing a duty on the Defendants to
5 exercise care with the resulting liability for breach, the availability, cost and
6 prevalence of insurance for the risk involved, the extent of the Defendants'
7 powers, the role imposed upon Defendants by law and the limitations imposed
8 on Defendants by applicable budgets, if any.

9 90. Defendants breached their duty to Plaintiff by failing to properly
10 screen, hire, train, retain, supervise, report, discipline, monitor, control, terminate
11 or prosecute (when justified) its law enforcement officers, including the
12 individual Defendants herein.

13 91. In so doing, and as alleged herein, Defendants acted under color of
14 law and authority, within the course and scope of employment, agency, and in
15 conspiracy with each other, and pursuant to the established, unwritten official
16 policy, custom, and practice of the SAN DIEGO COUNTY SHERIFF'S
17 DEPARTMENT and other Defendants, and as also alleged herein, the conduct of
18 Defendants was consented to, ratified, approved, concealed, covered up,
19 condoned, accepted, and/or encouraged by each other, for their own benefit and
20 gain, knowing that the conduct would result in harm to Plaintiff and other
21 minority members of the general public similarly situated.

22 92. As a consequence of said negligence, Plaintiff suffered physical
23 harm, serious and severe emotional distress in the form of anxiety, depression,
24 humiliation, shame, loss of sleep, fear and rage and incurred, and continues to
25 incur expenses for medical treatment as well as a loss of earnings and earning
26 capacity, all in an amount to be proven at the time of trial, but not less than
27 \$100,000.

28 ///

XIV. TENTH CAUSE OF ACTION

(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS –

Against All Defendants)

93. Plaintiff incorporates herein paragraphs 1 through 92, above.

94. Defendants' conduct, as alleged herein, was outrageous.

95. Defendants acted knowingly, willfully, and with malicious intent and did in fact intend to cause Plaintiff emotional distress, or Defendants acted with reckless disregard for Plaintiff's health, safety, welfare and wellbeing, and did so with reckless disregard of the probability of causing Plaintiff emotional distress.

96. In so doing, and as alleged herein, Defendants acted under color of law and authority, within the course and scope of employment, agency, and in conspiracy with each other, and pursuant to the established unwritten official policies, customs, and practices of the SAN DIEGO COUNTY SHERIFF'S DEPARTMENT, COUNTY OF SAN DIEGO, and other Defendants, and as also alleged herein, the conduct of Defendants was consented to, ratified, approved, concealed, covered up, condoned, accepted, and/or encouraged by each other, for their own benefit and gain, knowing that the conduct would result in harm to Plaintiff and other minority members of the general public similarly situated.

97. Plaintiff was harmed and Defendants' conduct was a direct, proximate, and substantial factor in causing Plaintiff harm. If not for the failures and misconduct of Defendants, as alleged in this Complaint, Plaintiff would not have suffered physical harm, serious and severe emotional distress, anxiety, depression, humiliation, shame, loss of sleep, fear and rage all to his general damage, in an amount to be proven at the time of trial, but not less than \$100,000.

98. In committing the acts as alleged herein, all individual Defendants acted with the intent to harm Plaintiff or with a conscious disregard for

1 Plaintiff's rights and thus acted with malice, fraud or oppression as defined in
 2 California Civil Code section 3294, entitling Plaintiff to an award of punitive
 3 damages in an amount to be proven at the time of trial.

4 **WHEREFORE**, Plaintiff prays for judgment as follows:

- 5 1. Special damages, according to proof;
- 6 2. General damages, according to proof, but not less than \$100,000;
- 7 3. For injunctive and other equitable relief to prevent the same and
 8 similar conduct from being perpetuated against Plaintiff, to wit:

9 a) The installation of a qualified, independent monitor to
 10 supervise the rehabilitation of the SAN DIEGO COUNTY
 11 SHERIFF'S DEPARTMENT and to establish rules,
 12 regulations and guidelines to prevent Plaintiff from ever again
 13 being subjected to the abuses and civil rights violations he
 14 suffered at the Defendants' hands, including rules, regulations
 15 and guidelines designed to eliminate and prevent the cover-up
 16 of such abuses and violations;

17 b) Barring and prohibiting Defendants from any further
 18 harassment, abuse or violation of Plaintiff's civil rights, and
 19 specifically barring and prohibiting Defendants, and their
 20 agents and employees, from the following:

- 21 i. Approaching Plaintiff in his home, in his vehicle or on
 22 foot for the purposes of detaining, questioning,
 23 searching or arresting him unless: (a) the officers have
 24 probable cause or a reasonable suspicion, based on
 25 articulable facts, that he has committed or is
 26 committing a crime; or, (b) upon the authority of a
 27 valid arrest warrant or other order of a court of
 28 competent jurisdiction. Plaintiff shall not be

1 approached, detained, questioned, arrested or searched
2 solely based on his appearance, being a minority and/or
3 because of the color of his skin;

4 ii. Approaching and questioning Plaintiff in his home, in
5 his vehicle or on foot for the purposes of harassing,
6 annoying, molesting, bribing, extorting, or committing
7 any violent act;

8 4. Punitive damages as against all individual Defendants, in an amount
9 subject to proof at the time of trial;

10 5. Costs of suit;

11 6. Attorneys' fees and statutory penalties as applicable under the
12 statutes specified herein; and,

13 7. For such other and further relief as the Court may deem proper.

14
15 Dated: September 4, 2015

DICKS & WORKMAN
ATTORNEYS AT LAW, APC

17 By: /s/ Joseph G. Dicks
18 Joseph G. Dicks,
19 Attorneys for MICKAIL MYLES,
Plaintiff

20 **PLAINTIFF'S JURY DEMAND**

21
22 Plaintiff hereby demands a trial by jury.

23
24 Dated: September 4, 2015

DICKS & WORKMAN
ATTORNEYS AT LAW, APC

26 By: /s/ Joseph G. Dicks
27 Joseph G. Dicks,
28 Attorneys for MICKAIL MYLES,
Plaintiff